

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY on behalf of its members; SHAKETA REDDEN; DORETHEA FRANKLIN; TANQUA SIMMONS; DE'JON HALL; JOSEPH BONDS; CHARLES PALMER; SHIRLEY SARMIENTO; EBONY YELDON; and JANE DOE, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

v.

Civil No.: 1:18-cv-00719-CCR

CITY OF BUFFALO, NY; BYRON B. BROWN, Mayor of the City of Buffalo, in his individual and official capacities; BYRON C. LOCKWOOD, Commissioner of the Buffalo Police Department, in his individual and official capacities; DANIEL DERENDA, former Commissioner of the Buffalo Police Department, in his individual capacity; AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI, ROBBIN THOMAS, UNKNOWN SUPERVISORY PERSONNEL 1-10, UNKNOWN OFFICERS 1-20, each officers of the Buffalo Police Department, in their individual capacities.

Defendants.

**STIPULATED MOTION FOR ADJOURNMENT
OF DEADLINES IN CASE MANAGEMENT ORDER**

The Parties respectfully move to amend certain deadlines in the case management order. In support of the motion, the Parties state as follows:

1. The Parties respectfully request that the Court grant an extension to the deadlines for opposition and reply to their respective Motions for Summary Judgment. Due to a

forthcoming second supplemental report by Plaintiffs' statistical expert, the breadth and complexity of the issues raised by the Parties' briefing, and the ongoing productions of materials related to GIVE and Internal Affairs discovery, the Parties anticipate needing additional time to complete their oppositions.

2. Plaintiffs' statistical expert, David Bjerk, Ph.D., provided an initial expert report in this case, dated May 29, 2024, which analyzed data encompassing the period beginning in January 2012 and ending in December 2022 related to Plaintiffs' claims that the Buffalo Police Department has engaged in certain unlawful policies and practices relating to the enforcement of traffic and motor-vehicle-safety laws. *See* ECF No. 203.1.

3. Dr. Bjerk then provided a supplemental expert report, dated July 29, 2024, which updated the findings from his initial expert report using data that had been subsequently produced in discovery in this case, which encompassed the period between January 2023 and December 2023. *See* ECF No. 224.1.

4. Dr. Bjerk now intends to provide a second supplemental expert report which will update his findings from his previous expert reports using data that has newly been produced in discovery in this case, which encompassed the period between January 2024 and December 2024. Dr. Bjerk is preparing his second supplemental expert report which he expects to have ready no later than April 30, 2025.

5. In Plaintiffs' view, Dr. Bjerk's second supplemental report is directly relevant to Plaintiffs' prospective claims for injunctive relief and therefore important to Plaintiffs' effort to oppose Defendants' Motion for Summary Judgment on those claims. *See* ECF No. 252.46.

6. At the same time, the Parties continue to prepare their briefing in opposition to their respective motions for summary judgment. Defendants have moved for summary judgment

on each of Plaintiffs' complex constitutional claims, as well as raising issues of standing and liability related to the individual Defendants in this case. To oppose Defendants' Motion, Plaintiffs must assemble an extensive factual record gathered in discovery in support of their claims. Plaintiffs have made substantial progress doing so, but anticipate that additional time will be necessary to complete their work.

7. The Parties have previously informed the Court of Plaintiffs' supplemental requests for GIVE Grant materials and Internal Affairs records which remain unproduced and are relevant to Plaintiffs' claims. *See, e.g.*, ECF No. 255.

8. The Parties continue to collaborate and cooperate to make progress on these productions. The Parties are also continuing to confer as to efficient ways to streamline remaining discovery and to potentially narrow issues in dispute.

9. The Parties therefore request an extension of the remaining deadlines in the summary judgment briefing schedule set by the Court. The Parties request that the deadline for oppositions to summary judgment motions be adjourned from April 11, 2025, to April 30, 2025. The Parties further request that the deadline for replies in further support of motions for summary judgment be adjourned from May 12, 2025, to May 30, 2025.

10. The Parties thank the Court in advance for its consideration of this request.

Dated: Buffalo, New York
April 1, 2025

/s/ Jordan S. Joachim

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2025, the above Stipulation Motion for Adjournment of Court-Ordered Deadlines was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Jordan S. Joachim

Jordan S. Joachim